

### **REMARKS**

In response to the Final Office Action dated October 18, 2006, Applicants respectfully request reconsideration.

#### **35 U.S.C. § 103**

Claims 1-3, 5-18, and 20-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0016557 A1 (Duarte) in view of U.S. Patent No. 5,520,612 (Winder I) or WO/03/013654 (Winder II).

Applicants respectfully assert that claims 1-3, 5-18, and 20-33 are patentable in view of Duarte, Winder I, and Winder II. Duarte and Winder discuss the use of shear waves for wound treatment and bone-fracture therapy, respectively. Neither Duarte nor Winder teach, disclose, or suggest, alone or in combination, applying first longitudinal waves to a subject that are converted to shear waves and are converted to second longitudinal waves that form a substantial part of energy of ultrasound waves at a desired region in the subject at a therapeutic level as recited in independent claim 1. Further, neither Duarte nor Winder teach, disclose, or suggest, alone or in combination, a system including directing means for causing first longitudinal waves to be incident on a subject to be converted to shear waves and converted to second longitudinal waves that form a substantial part of energy of ultrasound waves at a target region in the subject at a therapeutic level as recited in independent claim 14. Further, neither Duarte nor Winder teach, disclose, or suggest, alone or in combination, a system including a positioning device to ensure that first longitudinal waves are directed at a subject such that the first longitudinal waves are converted to shear waves and are converted to second longitudinal waves at least some of whose energy will reach a target region of the subject, where a controller is configured to cause an ultrasound source to transmit energy in a plurality of pulses, with each pulse having a different frequency, as recited in independent claim 27. For at least these reasons, claims 1, 14, and 27, and claims 2-3 and 5-13 that depend from claim 1, claims 15-18 and 20-26 that depend from claim 14, and claims 28-33 that depend from claim 27, are patentable in view of Duarte and Winder.

Claims 4 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Duarte and Winder, and further in view of U.S. Patent No. 6,524,251 (Rabiner et al.) alone or further in view of U.S. Patent No. 6,433,464 (Jones). Applicants have canceled claims 4 and 19 without prejudice, rendering the rejection of these claims moot.

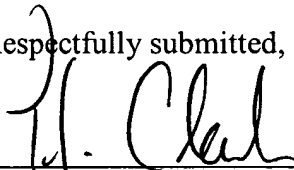
Conclusion

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested.

If a telephone conversation with Applicants' attorney would help expedite the prosecution of this application, the Examiner is invited to call the undersigned at (617) 542-6000.

Please apply any charges not covered, or any credits, to Deposit Account 50-0311, Reference No. 18989-039.

Respectfully submitted,



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